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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,905	12/14/2001	Michael Von der Geest	3107-237	9583

7590 05/05/2006
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EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3715

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,905

Applicant(s)

VON DER GEEST ET AL.

Examiner

Chanda L. Harris

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-52 is/are allowed.
- 6) ☐ Claim(s) 53-74 is/are rejected.
- 7) ☒ Claim(s) 75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the amendment filed 2/13/06, Claims 1-75 are pending.

Allowable Subject Matter

The indicated allowability of claims 70-74 is withdrawn in view of the newly discovered reference(s) to Morrel-Samuels (US 6,007,340). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 53-69 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Signals do not represent any of the statutory classes of invention listed above. However, a signal claim directed to a practical application of electromagnetic energy is statutory. See O'Reilly, 56 U.S. at 114-19; In re Breslow, 616 F.2d 516, 519-21, 205 USPQ 221, 225-26 (CCPA 1980).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 70-74 rejected under 35 U.S.C. 102(b) as being anticipated by Morrel-Samuels (US 6,007,340).

1. [Claim 70]: Regarding Claim 70, Morrel-Samuels discloses receiving with a computer processor unit evaluation data for said environment received from at least one individual participating in said environment, said evaluation data representing impressions of said individual regarding said environment. See Col.2: 63-67. Morrel-Samuels discloses providing model data (i.e., report) to an individual that is responsible at least in part for said environment (i.e., target manager), said model data representing on or more dimensions (i.e., areas) of said environment, said model data developed at least in part from said evaluation data, each of said one or more dimensions being associated with at least one characteristic of said individual responsible for said environment. See Col.5: 61-Col.6: 1.
2. [Claim 71]: Regarding Claim 71, Morrel-Samuels discloses the step of receiving evaluation data for said environment from said individual that is responsible (i.e., target manager) at least in part for said environment, said evaluation data representing an impression of said individual regarding said environment. See Col.5: 49.

3. [Claim 72]: Regarding Claim 72, Morrel-Samuels discloses wherein said model data are developed at least in part from said evaluation data received from said individual that is responsible at least in part for said environment. See Col.5: 61-Col.6: 1.

4. [Claim 73]: Regarding Claim 73, Morrel-Samuels discloses said evaluation data received from said at least one individual participating in said environment include first leadership style data, said first leadership style data identifying a perception of the use of a plurality of different leadership styles by said individual that is responsible for said environment; and said evaluation data received from said individual that is responsible at least in part for said environment include second leadership style data identifying a perception by said individual responsible at least in part for said environment of the use of said plurality of different leadership styles (e.g., visionary, risk taker, team-oriented by said individual that is responsible for said environment). See Col.2: 62-67 and Col.5: 49-54.

5. [Claim 74]: Regarding Claim 74, Morrel-Samuels discloses the step of providing leadership model data (i.e., report), said leadership model data representing usage of a plurality of leadership styles by said individual that is responsible for said environment, said leadership model data being developed at least in part from said first leadership style data and second leadership style data. See Col.5: 61 – Col.6: 1, Col.2: 62-67.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Slade et al. (US 4,671,772)
-performance appraisal and training system

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above.

Claim 75 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-52 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chanda L. Harris
Primary Examiner
Art Unit 3715